

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE JOSEPH, :
Plaintiff, : Civil Action No. 4:06-CV-02161
v. :
E. DAVID CHRISTINE, et al., :
Defendants. : (Judge McClure)
: (Magistrate Judge Smyser)

O R D E R

August 14, 2008

BACKGROUND:

On November 3, 2006, plaintiff George Joseph, a prisoner proceeding pro se, commenced this 42 U.S.C. § 1983 action by filing a complaint.

The matter was initially referred to United States Magistrate Judge J. Andrew Smyser.

On July 22, 2008, the magistrate judge filed an eight-page report and recommendation which recommended that plaintiff's complaint be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Rec. Doc. No. 31.) Specifically, the magistrate judge applied the factors in Poulis v. State Farm Fire and Casualty, 747 F.2d 863, 868 (3d Cir. 1984), and concluded that plaintiff had abandoned the action due to his repeated failure to file a brief in

response to defendants' motion to dismiss. (Id.)

No objections have been filed to the magistrate judge's report and recommendation. Because we agree with the magistrate judge's thorough analysis that the action should be dismissed pursuant to Rule 41(b) and because plaintiff has not filed any objections, we will adopt the magistrate judge's report and recommendation in its entirety. We will not rehash the sound reasoning of the magistrate judge. Plaintiff has clearly abandoned this action and dismissal is appropriate under Rule 41(b) based on application of the Poulis factors.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge J. Andrew Smyser's Report and Recommendation is adopted in full. (Rec. Doc. No. 31.)
2. The complaint is DISMISSED for failure to prosecute.
3. The clerk is directed to close the case file.

s/ James F. McClure, Jr.

JAMES F. MCCLURE, JR.
United States District Judge